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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

: Hang-Chiung LIN et al.

Confirmation No: 8466

Appl. No.

: 10/717,559

Filed

: November 21, 2003

Title

: PHARMACEUTICAL COMPOSITION FOR ENHANCING

IMMUNITY, AND EXTRACT OF PORIA

TC/A.U.

: 1617

Examiner

C.K. Huynh

Docket No.:

: LINH3023/REF

Customer No:

: 23364

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This is in response to the notice of non-complaint appeal brief mailed on July 28, 2008 in connection with the above-identified application. This response is timely filed.

This notice requires the filing of a new summary and not an entire new brief. Applicants submit herewith the required corrected summary in which claim 1 has been changed to read claim 6. The number 1 was a typographical error for 6.

Please enter this correction and forward the appeal brief to the Examiner for early consideration and allowance of this application.

Respectfully submitted, BACON & THOMAS, PLLC

Richard E. Fichter

Registration No. 26,382

625 Slaters Lane, 4th Fl. Alexandria, Virginia 22314 Phone: (703) 683-0500 Facsimile: (703) 683-1080

REF:ref:cjw August 25, 2008

41.37 (c)(1)(v) SUMMARY OF CLAIMED SUBJECT MATTER

Claim 6 relates to a Poria extract capable of enhancing immunity of a mammal comprising 5-60% of a lanostane having the following chemical formula (I) by weight of the extract, and being substantially devoid of secolanostane:

wherein R_1 is either H or CH_3 ; R_2 is $OCOCH_3$, =0 or OH; R_3 is H or OH; R_4 is $-C(=CH_2)-C(CH_3)_2R_3$, wherein R_a is H or OH, or $-CH=C(CH_3)-R_b$, wherein R_b is CH_3 or CH_2OH ; R_5 is H or OH; and R_6 is CH_3 or CH_2OH . Page 6, lines 1-14

Claim 7 claims the extract which is prepared by a method comprising the following steps:

- a) extracting metabolites, fermentation products or sclerotium of Poria cocos (Schw) Wolf by water, methanol, ethanol, or a mixed solvent thereof;
 - b) concentrating the resulting liquid extract from step a);
- c) introducing the resulting concentrated substance from step b) into a silica gel column;
- d) eluting the silica gel column with an eluent having a low polarity, and collecting the resulting eluate;
- e) concentrating the eluate to form a concentrated eluate, wherein the concentrated eluate from step e) has a chromatographic value, Rf, not less than 0.1 in accordance with a thin layer chromatography, which is developed by a

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Summary of Claimed Subject matter: August 25, 2008

Notice of Appeal filed: March 10, 2008

mixed solvent of dichloromethane: methanol = 96:4 and is detected by an ultraviolet lamp and iodine vapor. See page 6, line 13 to page 7, line 5.